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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, CHANH DUY	
ART UNIT	**PAPER NUMBER**
2675	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/928,929	KAIKURANTA, TERHO	
	Examiner	Art Unit	
	Chanh Nguyen	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on August 5, 2004 has been entered and considered by examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newton (US 2002/0075243 A1) in view of Hasegawa et al (U.S. Patent No. 6,208,330), and further in view of Robertson et al (U.S. Patent Application Publication No. 2002/0160807 A1).

As to claim 1, Newton discloses a touch pad device (100) including a touch pad area(102) having a first side (e.g. left side) and an opposing second side (right side) (Figure 3), a first set of optical sensor components (106, 109) disposed along the first side (left side) of the touch pad area, a second set of optical senor components(106, 109) disposed along the second side (right side) of the touch pad area. Newton teaches each of the first and second set of optical sensors including at least two light emitter (106) and one light receiver (109) disposed substantially between the two light emitters (106) to detect the present of the object at the touch pad device (14) (see

Figure 3) such that the light receiver (109) capable of receiving light emitted from the light emitter for providing an output signal and the output signal caused to changed when the object (finger or stylus) is present (see page 4, paragraphs 0030-0031). Newton teaches the step of detecting the change in the output signal for providing the touch signal when the object is present (see page 4, paragraphs 0037).

Newton does not mention the objected being "reflected". Hasegawa teaches that the optical scanning/detection unit 10A detects reflections light from the object...preciseness of discrimination of a finger or a fist is enhanced by considering a distance between the optical scanning/detecting unit 10a and the object" (see column 5, lines 40-49". This reads on the claimed "reflected objected" recited in the claim. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used reflecting light detection circuit to the detection circuit of Newton so as to provide the preciseness of pen input operation (se column 1, lines 59-63 of Hasegawa).

Both Newton and Hasegawa do not mention the steps of preventing unintended touch pad input resulting from accident touching of a touch pad device in an electronic device. In the same field of endeavor (cellular phone with touch pad), Robertson teaches the function of key lock same way as applicant disclose device. That is Robertson teaches an electronic device (100) having a key lock function settable in a first state allowing a user to input into the electronic device one of a plurality of input functions (e.g., dial telephone number function) and settable in a second state allowing the user to input into the electronic device (100) one of a number of selected one of a

the plurality of input functions (e.g., emergency call) (see paragraph 0027). Robertson teaches the steps of determining whether the key lock function is in the first state or in the second state in response to the touch signal when the touch area (114) is exposed to the external object, if the key lock function is the first state (i.e. normal operation such as dial telephone number function; see paragraphs 0021, 0023), or if the key lock function is in the second state and the touch pad is one of the selected input functions (e.g., emergency call) (see paragraph 0027) , providing the touch pad input indicative of the touch pad function.

It is clear that the Robertson teaches a method of preventing unintended touch pad input resulting from accidental touch of a touch pad device in an electronic device because Robertson solves the problems of slowly or not functioning at all of the display (114) caused by disengaging key lock (see paragraphs 0022, 0026) which is the same way as applicant's claimed device. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the key lock function of Robertson to the electronic device of Newton as modified by Hasegawa so that a user can place an emergency call by depressing certain keys simultaneously regardless of of where the user currently is in the user interface or whether the phone is turned on or off (see paragraph 0030 of Robertson).

As to claim 6, this claims differs from claim 1 only in that the limitation of a first state functions defined in the claim 6 whereas claim 1 defines the function of second state. Robertson clearly teaches the step of providing the touch pad input indicative of the touch pad function only if the key lock function is the first state (i.e. normal operation

operation such using stylus to select telephone numbers on a displayed keypad; see paragraph 0021, 0023).

As to claim 10, this claim differs from claims 1 and 6 only in that claims 1 and 6 are method whereas claim10 is apparatus. Thus, apparatus claim 10 is analyzed as previously discussed with respect to claims 1 and 6 above.

As to claims 2-3, 8 and 11-12, Robertson clearly teaches providing steps being carried out by a software (see paragraph 31).

As to claim 4, Newton clearly teaches the touch pad device allowing the user to choose one of a plurality of touch pad function based on the location of the object present at the touch pad device including the step of determining the chosen touch pad function based on the change in the output signal (see page 1, paragraph 0004). That is the electronic device of Newton includes one of the devices such as mobile telephone, PDA , book reader. These device have a plurality of functions displayed on the screen so that a user can select one of the functions to provide the information for a user needed.

As to claim 5, since both device of Newton and Robertson are mobile telephone. It is clear that the selected functions including zero (i.e. number zero located on the key pad of the telephone).

As to claims 7, 9, combining Newton and Jambehkar would arrive the step of powering off the optical sensor components when the key lock function is in the second

state. Moreover, it is well-known to turn off the touch pad for conserving power, even acknowledged by applicant on page 2, lines 8-29 of the specification.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference of Robertson has been added for new ground of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603. The examiner can normally be reached on Monday- Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chanh Nguyen
Primary Examiner
Art Unit 2675

CN

C. Nguyen
January 5, 2005